

Summary of Reforms Included in Legislation

	Reform	Section in Act & 121B	Summary
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1. Training and TA Working Group

Working Group led by the Director of Policy and Program Development

Regulatory Track

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Adminstrative Track

	<i>Training of Board Members</i>	Act: 6 121B: 5B	The department shall establish and implement a comprehensive training program for members of a housing or redevelopment authority. The training program shall be developed by the department in consultation with representatives of local housing authorities, municipal officials, public housing residents, public housing industry professional organizations and relevant state agencies. The instructions and training shall include, but not be limited to, the following laws and topics: (i) the open meeting law established pursuant to sections 18 to 25, inclusive, of chapter 30A; (ii) the public records law established pursuant to chapter 66; (iii) the conflict of interest law established pursuant to chapter 268A; (iv) the uniform procurement act established pursuant to chapter 30B; (v) state finance provisions established pursuant to chapter 29; (vi) fraud prevention; (vii) fiduciary responsibilities; (viii) fair housing laws; (ix) tenant occupancy and tenant participation policies; (x) the laws prohibiting discrimination in publicly assisted housing established pursuant to clauses 6 to 7B, inclusive, of section 4 of chapter 151B; and (xi) best practices relating to the general inspection, maintenance and repair of existing units and capital improvements in public housing.
	<i>Technical Assistance Training to Tenants</i>	Act: 6 121B: 5B	The department shall further provide independent technical assistance training to tenant members. The department shall develop the training with the goal of enabling tenant members and members of local tenant organizations to participate fully in the oversight of the housing authority’s operation and capital planning.

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2. Performance

Working Group led by the Deputy Associate Director, Sarah Glassman

Regulatory Track

	<i>Annual Plan</i>	Act: 9 121B: 28A	Each housing authority shall submit to the department an annual plan. The annual plan shall state the housing authority’s goals and objectives to meet or improve upon the department’s performance based review and assessment standards under section 26B. The annual plan shall further include the housing authority’s capital improvement, maintenance and repair plans for the following year and address deficiencies in meeting applicable performance standards.
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Adminstrative Track

	<i>Standard ED contract</i>	Act: 7 121B: 7A	The department shall promulgate guidelines for contracts to be executed by the housing authority and an executive director. The department may review all contracts between the housing authorities and executive directors and all terms for payments or monetary remuneration relevant to state payments; provided, however, that the department shall review all contracts and all terms for payments or monetary remuneration worth more than \$100,000 per annum. The department may strike contract provisions that do not conform to the guidelines.
	<i>Performance Based Monitoring Program</i>	Act: 8 121B: 26B(a)-(c)	The department shall establish and implement a performance-based monitoring program and develop and provide uniform assessment standards for evaluating housing authority operations. The assessment standards may incorporate public housing industry standards and measures and federal monitoring standards as applicable. The monitoring program and assessment standards established by the department shall be structured to enable the department to identify housing authorities that are failing to meet the minimum standards and to develop and implement corrective action plans and targeted assistance by the department to improve performance to a satisfactory level.
	<i>Chronically Poor Performing LHA</i>	Act: 8 121B: 26B(d)	The department shall establish guidelines for designating a housing authority as “chronically poor performing” under the monitoring program. The department shall develop these guidelines in consultation with representatives of local housing authorities, municipal officials, public housing residents and public housing industry professional organizations. If a housing authority is designated as “chronically poor performing”, the department may appoint a chief administrative and financial officer, CAFO, who shall be responsible for the overall administration of the housing authority.
	<i>Termination of the Executive Director</i>	Act: 8 121B: 26B(d)	If the department finds clear and convincing evidence of a demonstrable threat to tenant safety attributable to the conduct of the executive director or financial misconduct or criminal activity by the executive director, the department may terminate the employment of the executive director in accordance with the executive director’s employment agreement with the authority as approved by the department.

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3. Capital Assistance Teams

Working Group led by the Director of the Bureau of Housing Development & Construction, Amy Stitely

Regulatory Track

	<i>Capital Assistance Teams Advisory Boards</i>	Act: 8 121B: 26C	Each capital assistance team shall have an advisory board consisting of 11 members. The host housing authority shall appoint 1 of its own board members to the advisory board; the department shall appoint 1 member, who shall have at least 5 years of experience as the manager of not less than 200 units of privately owned housing; and the department shall promulgate regulations establishing election procedures for the selection of the remaining 9 members. The department shall limit eligibility for election to members of participating housing authorities in the region. The advisory board shall meet on a quarterly basis with the capital assistance team director, host housing authority director and the director of the department or a designee of the director of the department and shall discuss issues of program performance and coordination.
	<i>Capital Assistance Teams</i>	Act: 8 121B: 26C	The department shall establish a program to provide capital, maintenance and repair planning and technical assistance to housing authorities relative to, but not limited to, bulk purchasing, capital planning and capital projects. The program shall include 3 capital assistance teams, which shall aid housing authority members and executive directors in developing and managing the housing authority’s capital, maintenance and repair program, including: (i) developing a capital, maintenance and repair plan as required in the housing authority’s annual plan under section 26B; (ii) preparing applications for special capital project funds; (iii) implementing capital improvement, maintenance and repair projects; (iv) managing updates to the department’s capital planning, maintenance and repair systems; (v) facilitating coordination among housing authorities to ensure efficient use of capital and maintenance funds; and (vi) other functions related to capital planning, renovation, maintenance, repair and redevelopment as the department considers necessary; provided, however, that the capital assistance team shall provide services to the housing authority without requiring payment for the services by the housing authority. The capital assistance teams shall be located in diverse regions to be designated by the department.

Adminstrative Track

	<i>Surplus Land</i>	Act: 13	Each capital assistance team shall complete a survey of all DHCD or LHA owned surplus land within 1 year of the effective date of this act. The capital assistance teams shall use the results to coordinate communication and resources between LHAs and the DHCD to encourage development of new affordable units, including for disabled veterans.
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4. Tenant Services and Engagement

Working Group led by the Director of Program and Policy

Regulatory Track

	<i>Regulations for the Election of Tenant Board Members</i>	Act: 6 121B: 5A	The department shall promulgate regulations establishing election procedures for tenants to elect a tenant as a member of the housing authority in the town and regulations establishing appointment by the board of selectmen of the town, if no election may be held; provided, however, that 1 member of the housing authority board shall be a tenant. The department shall provide regulations creating waiver of this section if federal law requires the town to maintain a tenant member as 1 of the 5 members or if a tenant has been elected under section 5.
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Adminstrative Track

	<i>Annual Surveys of Public Housing Residents</i>	Act: 12 121B: 38C	The department shall establish and implement a program to conduct annual surveys of public housing residents. The survey shall include, at a minimum, questions about maintenance and repair of units, housing authority communication to residents, resident participation in housing authority governance, resident safety and resident services, including, but not limited to, job training programs. The department shall establish procedures to conduct physical inspections of a representative sample of units in conjunction with the survey; provided further, that the results of the survey shall be used to evaluate the housing authority’s performance under section 26B. Housing authorities shall have the right to respond to the results of the surveys in writing within 60 days of the results being transmitted to the housing authority by the department.
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5. Regional Innovation Program

Working Group led by Paul McPartland

Regulatory Track

	<i>Regional Public Housing Innovation Program</i>	Act: 12 121B: 38C	The department shall develop a regional public housing innovation program. The program shall be designed to achieve: (i) innovative models for the development, redevelopment and repair of public housing; (ii) innovative models for improved management of public housing; (iii) increased coordination among several housing authorities; (iv) increased economic efficiencies; and (v) the expansion of economic opportunities for tenants and the commonwealth. The department shall establish criteria to evaluate a regional housing authority’s application for the program.
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Other (working groups already convened and policy development under way)

Regulations required	<i>Centralized Waitlist</i>	Act: 14	Within 1 year of the effective date of this act, the department of housing and community development shall establish and implement a single statewide centralized wait list for state-aided public housing, after consultation with representatives of local housing authorities, municipal officials, public housing residents and public housing industry professional organizations.
Regulations required	<i>LHA Public Contact Information</i>	Act: 8 121B: 26D	Housing authorities shall post on the wall of the community center for each of its developments the names, addresses, phone numbers, email addresses or other means of contact for all members and senior staff. Housing authorities shall maintain a website that shall display the same information.
	<i>Agreed Upon Procedures for Review of Housing Authority Financial Records</i>	Act: 10 121B: 29	Each housing authority shall contract with an independent external auditor to prepare the agreed upon procedures for review of housing authority financial records.
	<i>Investigate Budgets, Finances and Affairs</i>	Act: 10 121B: 29	DHCD shall investigate the budgets, finances and other affairs of LHAs dealings, transactions and relationships. DHCD shall make, amend and repeal rules and regulations prescribing standards and stating principles governing the planning, construction, maintenance and operation of clearance and housing projects by LHAs.
	<i>Expansion of Board</i>	Act: 15	DHCD shall conduct a study of the feasibility and benefits of an alternative to the requirement of section 5A of chapter 121B of the General Laws. The study shall evaluate alternatives, including but not limited to, permitting a town to establish a LHA board of 7 or more members, 1 of whom is a tenant, permitting a town to establish a tenant advisory board to review a housing authority’s financial and capital planning decisions and under what circumstances, if any, a town may be exempt from the requirements of said section 5A of said chapter 121B. Recommendations due to Joint Committee by 12/31/14.